

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4844 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

Nos. 1 to 5 No

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CHANDRAKANT MAFATBHAI PARMAR

Versus

STATE OF GUJARAT

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Appearance:

M/S THAKKAR ASSOC. for Petitioner  
MISS.SIDDHI TALATI, AGP. for Respondent No. 1, 2, 3

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CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 24/12/98

ORAL JUDGEMENT

In this writ petition under Article 226 of the Constitution of India the detention order dated 4.4.1998 passed by the Commissioner of Police, Vadodara under section 3(2) of the Prevention of Antisocial Activities Act,1985 (for short 'PASA') is under challenge.

In the grounds of detention two cases registered against the petitioner under various sections of Indian Penal Code have been shown. Besides this other antisocial and prejudicial activities against the petitioner are alleged. Three confidential witnesses have also stated against the petitioner and his involvement in antisocial and criminal activities. On the basis of the aforesaid material, the impugned order of detention was passed.

In Special Civil Application No. 4816 of 1998 decided by me on 3.12.1998 the case of co-detenu was considered. The same material was available to the Detaining Authority against the co-detenu Khushalbhai Jethabhai Parmar and after considering the entire materials in detail the said writ petition was allowed and the said impugned order dated 4.4.1998 was quashed. Consequently there is no justification for not dealing with this writ petition at par with the earlier writ petition decided by me.

For the reasons stated above and also for the reasons given in Special Civil Application No. 4816 of 1998 the impugned order against the petitioner cannot be sustained. The writ petition therefore succeeds and is hereby allowed. The impugned order dated 4.4.1998 is hereby quashed. The petitioner shall be released forthwith unless wanted in any other case.

Sd/-  
(D.C.Srivastava, J)

m.m.bhatt